

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
)
 Joel S. Douglas, et al.) Before the Examiner
)
 New CON Application) Unassigned
)
 Filed July 3, 2003) Group Art Unit 3736
)
METHODS AND APPARATUS) July 3, 2003
FOR SAMPLING AND)
ANALYZING BODY FLUID)

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on

July 3, 2003

(Date of Deposit)

Charles P. Schmal

Name of Registered Representative

Signature

July 3, 2003

Date of Signature

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of the references listed on attached form PTO-1449 and/or the additional information identified below in paragraph 3. A legible copy of each reference listed on form PTO-1449 is enclosed, except a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial Nos. 09/887,574; 09/552,243; 09/298,386; and 08/858,042.

1a. [X] This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application (other than a continued prosecution application), or

before the mailing date of the first Office Action on the merits,

and thus no certification and/or fee is required.

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ a fee of \$_____ (set forth in 37 CFR §1.17(p)) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

a fee of \$_____ (set forth in 37 CFR §1.17(p)) is enclosed.

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement, or

b. ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

c. ☐ A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.

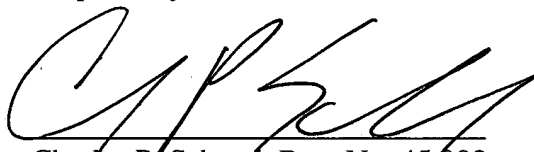
3. ☐ Consideration of the following additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☐ an English language translation submitted herewith,
 - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
 - c. ☐ an English language translation of a foreign patent office search report submitted herewith,
 - d. ☐ the concise explanation contained in the specification of the present application at page^s _____,
 - e. ☐ the concise explanation set forth in the attached English language abstract,
 - f. ☐ a copy of a related patent publication (in the English language) submitted herewith,
 - g. ☐ the concise explanation set forth below:

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully Submitted,



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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	
				Filing Date	7/3/2003
				First Named Inventor	DOUGLAS
				Group Art Unit	3736
				Examiner Name	Not Assigned
Sheet	1	of	6	Attorney Docket Number	7404-543
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		3,623,475	11-30-1971	Sanz	
		3,685,509	08-22-1972	Bentall	
		4,151,832	05-01-1979	Hamer	
		4,360,016	11-23-1982	Sarrine	
		4,503,856	03-12-1985	Cornell et al.	
		4,517,978	05-21-1985	Levin et al.	
		4,622,974	11-18-1986	Coleman et al.	
		4,627,445	12-09-1986	Garcia et al.	
		4,637,403	01-20-1987	Garcia et al.	
		4,648,408	03-10-1987	Hutcheson et al.	
		4,653,511	03-31-1987	Goch	
		4,653,513	03-31-1987	Dombrowski	
		4,658,821	04-21-1987	Chiodo et al.	
		4,685,463	08-11-1987	Williams	
		4,787,398	11-29-1988	Garcia et al.	
		4,790,979	12-13-1988	Terminiello et al.	
		4,805,623	02-21-1989	Jobsis	
		4,850,973	07-25-1989	Jordan et al.	
		4,858,607	08-22-1989	Jordan et al.	
		4,873,993	10-17-1989	Meserol et al.	
		4,883,068	11-28-1989	Dechow	
		4,920,977	05-01-1990	Haynes	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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		Number-Kind Code ² (if known)			
		4,924,879	05-15-1990	O'Brien	
		4,953,552	09-04-1990	DeMarzo	
		4,976,724	12-11-1990	Nieto et al.	
		4,994,068	02-19-1991	Hufnagle	
		5,002,054	03-26-1991	Ash et al.	
		5,014,718	05-14-1991	Mitchen	
		5,029,583	07-09-1991	Meserol et al.	
		5,035,704	07-30-1991	Lambert et al.	
		5,054,499	10-08-1991	Swierczek	
		5,066,859	11-19-1991	Karkar et al.	
		5,070,886	12-10-1991	Mitchen et al.	
		5,100,620	03-31-1992	Brenneman	
		5,108,889	04-28-1992	Smith	
		5,163,442	11-17-1992	Ono	
		5,165,418	11-24-1992	Tankovich	
		5,201,324	04-13-1993	Swierczek	
		5,217,480	06-08-1993	Haber et al.	
		5,231,993	08-03-1993	Haber et al.	
		5,277,198	01-11-1994	Kanner et al.	
		5,279,294	01-18-1994	Anderson et al.	
		5,318,583	06-07-1994	Rabenau et al.	
		5,318,584	06-07-1994	Lange et al.	

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		5,320,607	06-14-1994	Ishibashi		
		5,368,047	11-29-1994	Suzuki et al.		
		5,395,387	03-07-1995	Burns		
		5,402,798	04-04-1995	Swierczek et al.		
		5,569,212	10-29-1996	Brown		
		5,582,184	12-10-1996	Erickson et al.		
		5,628,309	05-13-1997	Brown		
		5,628,764	03-21-1995	Schraga		
		5,638,828	06-17-1997	Lauks et al.		
		5,682,233	10-28-1997	Brinda		
		5,700,695	12-23-1997	Yassinzadeh et al.		
		5,879,311	03-09-1999	Duchon et al.		
		5,891,053	04-06-1999	Sesekura		
		5,935,864	08-10-1999	Schramm et al.		
		5,947,957	09-07-1999	Morris		
		5,948,695	06-17-1997	Douglas et al.		
		6,056,701	05-02-2000	Duchon et al.		
		6,099,484	08-08-2000	Douglas et al.		
		6,162,639	12-19-2000	Douglas		
		6,271,045 B1	08-07-2001	Douglas et al.		
		6,352,514 B1	03-05-2002	Douglas et al.		
		6,455,324 B1	09-24-2002	Douglas		

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				Group Art Unit	3736
				Examiner Name	Not Assigned
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U.S. PATENT DOCUMENTS					
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		D 254,444	03-11-1980	Levine	

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite ¹ No.	Foreign Patent Document Country Code ² Number ³ Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁶
		DE 3,508,365	08-29-1985			<input type="checkbox"/>
		DE 34 26 090	04-18-1985			<input type="checkbox"/>
		DE 37 08 031	11-12-1987			<input type="checkbox"/>
		EP 0 453 283	10-23-1991			<input type="checkbox"/>
		JP 08000598	01-09-1996			<input type="checkbox"/>
		WO 85/04089	09-26-1985			<input type="checkbox"/>
		WO 88/00812	02-11-1988			<input type="checkbox"/>
		WO 95/10223	04-20-1995			<input type="checkbox"/>
		WO 97/43962	11-27-1997			<input type="checkbox"/>

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				Examiner Name	Not Assigned
Sheet	6	of	6	Attorney Docket Number	7404-543
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. 1	include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published			T²
		Critical Reviews in Bioengineering, 1990			<input type="checkbox"/>
		Critical Reviews in Biochemical Engineering, 1990			<input type="checkbox"/>
		ASH ET AL., "Subcutaneous Capillary Filtrate Collector for Measurement of Blood Glucose", ASAIO Journal, 1992			<input type="checkbox"/>
		ASH ET AL., "A Subcutaneous Capillary Filtrate Collector for Measurement of Blood Chemistries", ASAIO Journal, 1993			<input type="checkbox"/>
		BRACE ET AL., "Re-evaluation of the Needle Method for Measuring Interstitial Fluid Pressure", American Journal of Physiology, 1975			<input type="checkbox"/>
		GINSBERG, "An Overview of Minimally Invasive Technologie", Clinical Chemistry, 1992			<input type="checkbox"/>
		JANLE-SWAIN ET AL., "Use of a Capillary Filtrate Collector for Monitoring Glucose in Diabetics", ASAIO Journal, 1987			<input type="checkbox"/>
		KAYASHIMA ET AL., "Suction Effusion Fluid from Skin and Constituent Analysis: New Candidate for Interstitial Fluid", American Journal of Physiology, 1992			<input type="checkbox"/>
		KORTHUIS ET LA., "Interstitium & Lymphatic Techniques",			<input type="checkbox"/>
		TURNER ET AL., "Diabetes Mellitus: Biosensors for Research and Management", Biosensors, 1985			<input type="checkbox"/>

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